

**FILED**

2014 JA-8 AM 10:29

WESTERN DISTRICT OF TEXAS  
U.S. CLERK'S OFFICE

**THIRD SUPERSEDING**  
**INDICTMENT**

DEPUTY

[COUNT ONE: 21 U.S.C. §§ 841 & 846,  
Conspiracy to Possess With Intent to  
Distribute Marijuana;

COUNT TWO: 21 U.S.C. §§ 952(a), 960(a)(1) & (b)(4), 963, Conspiracy to Import Marijuana;  
COUNT THREE: 18 U.S.C. §§ 924(o), Conspiracy to Possess Firearms in Furtherance of a Drug Trafficking Crime;  
COUNTS FOUR-FIVE: 18 U.S.C. §§ 554(a) and 2, Smuggling Goods from the United States, Aiding and Abetting.]

Cause No.: **DR-13-CR-217-AM**

## COUNT ONE

[21 U.S.C. § 841(a)(1) & (b)(1)(A) and 846]

EMILIO VILLALOBOS-ALCALA, a.k.a. "La Tripa,"  
JOSE ELUID LUGO-LOPEZ, a.k.a. "Cochi Loco,"

knowingly, intentionally and unlawfully combined, conspired, confederated and agreed together and with others known and unknown to possess with intent to distribute a controlled substance, which offense involved one thousand (1,000) kilograms or more of a mixture or substance containing a detectable amount of Marijuana, a Schedule I Controlled Substance, contrary to Title 21, United States Code, Section 841(a)(1) & (b)(1)(A) and 846.

COUNT TWO  
[21 U.S.C. §§ 952(a), 960(a)(1) & (b)(4), 963]

From on or about July 1, 2011, to on or about February 18, 2013, in the Western District of Texas, Defendant,

EMILIO VILLALOBOS-ALCALA, a.k.a. "La Tripa,"  
JOSE ELUID LUGO-LOPEZ, a.k.a. "Cochi Loco,"

knowingly, intentionally and unlawfully combined, conspired, confederated and agreed together and with others known and unknown to import into the United States from Mexico, a place outside of the United States, a controlled substance, which offense involved one thousand (1,000) kilograms or more of a mixture or substance containing a detectable amount of Marijuana, a Schedule I Controlled Substance, in violation of Title 21, United States Code, Section 952(a), 960(a)(1) & (b)(1), and 963.

COUNT THREE  
[18 U.S.C. § 924(o)]

From on or about July 1, 2011, to on or about February 18, 2013, in the Western District of Texas, Defendant,

EMILIO VILLALOBOS-ALCALA, a.k.a. "La Tripa,"  
JOSE ELUID LUGO-LOPEZ, a.k.a. "Cochi Loco,"

knowingly combined, conspired, confederated, and agreed with others known and unknown to commit offenses against the United States, to wit, the Conspiracy to Possess Firearms in Furtherance of a Drug Trafficking Crime, that is, Conspiracy to Possess with Intent to Distribute a Controlled Substance, Title 21, United States Code, Section 841 and 846, and Conspiracy to Import a Controlled Substance, Title 21, United States Code, Sections 952, 960, and 963, in violation of Title 18, United States Code, Section 924(c)(1) and (2), all in violation of Title 18, United States Code, Section 924(o).

COUNT FOUR  
[18 U.S.C. §§ 554(a) and 2]

On or about August 7, 2012, in the Western District of Texas, Defendant,

EMILIO VILLALOBOS-ALCALA, a.k.a. "La Tripa,"  
JOSE ELUID LUGO-LOPEZ, a.k.a. "Cochi Loco,"

did knowingly and unlawfully aid and abet the exportation and attempted exportation from the United States, any merchandise, article, or object, including but not limited to: forty-three (43) assault rifles, three (3) handguns, twenty-four (24) magazines, and seventy-nine (79) rounds of ammunition, which are defense articles as defined under Category I of the United States Munitions List, contrary to any law or regulation of the United States, in that the Defendants had not obtained a license or written authorization for such export, in violation of Title 22, United States Code, Sections 2778(b)(2) & 2778(c) and Title 22, Code of Federal Regulations, Parts 121, 123, & 127, all in violation of Title 18, United States Code, Sections 554(a) and 2.

COUNT FIVE  
[18 U.S.C. §§ 554(a) and 2]

On or about September 12, 2012, in the Western District of Texas, Defendant,

EMILIO VILLALOBOS-ALCALA, a.k.a. "La Tripa,"  
JOSE ELUID LUGO-LOPEZ, a.k.a. "Cochi Loco,"

did knowingly and unlawfully aid and abet the exportation or attempted exportation from the United States, any merchandise, article, or object, including but not limited to: six (6) assault rifles and approximately six hundred and forty (640) rounds of ammunition, which are defense articles as defined under Category I of the United States Munitions List, contrary to any law or regulation of the United States, in that the Defendants had not obtained a license or written authorization for such export, in violation of Title 22, United States Code, Sections 2778(b)(2) & 2778(c) and Title 22, Code of Federal Regulations, Parts 121, 123, & 127, all in violation of Title 18, United States Code, Section 554(a) and 2.

## **NOTICE OF UNITED STATES OF AMERICA'S DEMAND FOR FORFEITURE**

### **I.**

#### **Smuggling Forfeiture Statutes and Violations**

[Title 18 U.S.C. § 554(a), subject to forfeiture pursuant to Title 18 U.S.C. § 981(a)(1)(C), made applicable to criminal forfeiture by Title 28 U.S.C. § 2461 and Title 22 § U.S.C. 2778, subject to forfeiture pursuant to Title 22 § U.S.C. 401(a). See Fed. R. Crim. P. 32.2]

As a result of the foregoing criminal violation set forth in Counts Four and Five, which is punishable by imprisonment for more than one year, Defendants EMILIO VILLALOBOS-ALCALA, a.k.a. "La Tripa," and JOSE ELUID LUGO-LOPEZ, a.k.a. "Cochi Loco," shall forfeit the property described below to the United States pursuant to Fed. R. Crim. P. 32.2 and Title 18 U.S.C. § 554 (through Title 18 U.S.C. § 1956(c)(7)(D)), and subject to forfeiture by Title 18 U.S.C. § 981(a)(1)(C), made applicable to criminal forfeiture by Title 28 U.S.C. § 2461, and pursuant to Title 22 U.S.C. § 2778, subject to forfeiture by Title 22 U.S.C. § U.S.C. 401(a), which state:

#### **Title 18 U.S.C. § 981.**

(a)(1) The following property is subject to forfeiture to the United States:

(C) Any property, real or personal, which constitutes or is derived from proceeds traceable to . . . any offense constituting "specified unlawful activity" (as defined in section 1956(C)(7) of this title), or a conspiracy to commit such offense.

#### **Title 22 U.S.C. § 401.**

(a) Seizure and forfeiture of materials and carriers. Whenever an attempt is made to export . . . any arms or munitions of war or other articles in violation of law . . . any person duly authorized for the purpose by the president, may seize and detain such arms or munitions of war or other articles . . . All arms or munitions of war and other articles, vessels, vehicles, and aircraft seized pursuant to this subsection shall be forfeited.

This Notice of Demand for Forfeiture includes but is not limited to the property described in paragraph II below.

### **II.**

#### **Personal Properties**

All right, title, and interest of Defendants EMILIO VILLALOBOS-ALCALA, a.k.a. "La

Tripa,” and JOSE ELUID LUGO-LOPEZ, a.k.a. “Cochi Loco,” in the following personal properties is subject to forfeiture to the United States of America:

1. Windham Weaponry .223 caliber rifle, Serial No. Obliterated
2. Windham Weaponry .223 caliber rifle, Serial No. Obliterated
3. Romarm/Cugir, Model WASR-10, 7.62x39 caliber rifle, Serial No. Obliterated
4. Romarm/Cugir, Model WASR-10, 7.62x39 caliber rifle, Serial No. Obliterated
5. Nodac Spud, Model NDS-2T, 5.56 caliber rifle, Serial No. L000716
6. Romanian AK47 Rifle, Serial No. 1986RA3509
7. Romanian AK47 Rifle, Serial No. 1967AE4643
8. Romanian AK47 Rifle, Serial No. 1972DJ0521
9. Romanian AK47 Rifle, Serial No. 1988ACU4657
10. Romanian AK47 Rifle, Serial No. 1986RA4680
11. Romanian AK47 Rifle, Serial No. MA4553-12R0
12. Romanian AK47 Rifle, Serial No. 1986RA3245
13. Romanian AK47 Rifle, Serial No. 1972CC0803
14. Romanian AK47 Rifle, Serial No. 1987ZH18241
15. Romanian AK47 Rifle, Serial No. 1981KM06817
16. Romanian AK47 Rifle, with Bayonet, Serial No. Obliterated
17. Romanian AK47 Rifle, Serial No. 1972EG4685
18. Romanian AK47 Rifle, Serial No. 1972ED3674
19. Romanian AK47 Rifle, Serial No. 1976GS3267
20. Romanian AK47 Rifle, Serial No. Unknown
21. Century Arms AK47 Rifle, Serial No. KMS02690
22. Century Arms AK47 Rifle, Serial No. KMS10736
23. Century Arms AK47 Rifle, Serial No. KMS06859
24. Century Arms AK47 Rifle, Serial No. Obliterated
25. Unknown Manufacturer AK47 Rifle, Serial No. EN5464H
26. Pioneer Arms AK47 Rifle, Serial No. PAC111101
27. Vulcan Arms AK47 Rifle, Serial No. 1966SBU4005
28. Keltec AK47 Rifle, Serial No. SU16
29. MAC 90 AK47 Rifle, Serial No. 94134046
30. Bushmaster AR-15 Rifle, Serial No. L048701
31. Bushmaster AR-15 Rifle, Serial No. SM22331
32. Bushmaster AR-15 Rifle, Serial No. SM43927
33. Bushmaster AR-15 Rifle, Serial No. L137949
34. Bushmaster AR-15 Rifle, Serial No. CRB033166
35. Bushmaster AR-15 Rifle, Serial No. CRB034034
36. Bushmaster AR-15 Rifle, Serial No. Unknown
37. Bushmaster AR-15 Rifle, Serial No. Unknown
38. Bushmaster AR-15 Rifle, Serial No. Unknown
39. DPMS AR-15 Rifle, Serial No. FH147702
40. DPMS AR-15 Rifle, Serial No. FH147145
41. DPMS AR-15 Rifle, Serial No. FH147153
42. DPMS AR-15 Rifle, Serial No. N0016561
43. DPMS AR-15 Rifle, Serial No. US344764

44. Rockriver Arms AR-15 Rifle, Serial No. CM232736
45. Rockriver Arms AR-15 Rifle, Serial No. CM101139
46. New Frontier AR-15 Rifle, Serial No. NLV09005
47. Olympic Arms AR-15 Rifle, Serial No. CH9942
48. Plum Crazy AR-15 Rifle, Serial No. Unknown
49. AR-15 style .223 caliber rifle, Serial No. Obliterated
50. Lorcin 9mm Pistol, Serial No. L047686
51. Taurus 9mm Pistol, Serial No. Unknown
52. Taurus .45 Caliber Pistol, Serial No. NZE19921
53. Twenty-One (21) AK Magazines
54. Thirty-Three (33) Pistol Magazines
55. One (1) AR-15 Chamber
56. One (1) AR-15 Bolt Carrier
57. One (1) AR-15 Charging Handle
58. Fourteen (14) Rounds 7.62 x 39mm Ammunition
59. Sixty-five (65) Rounds .223 caliber Ammunition,
60. Six hundred and forty (640) Rounds 7.62x39 Ammunition

A TRUE BILL.

ROBERT PITMAN  
United States Attorney

By: 

H. JAY HULINGS

Assistant United States Attorney

SEALED:  
UNSEALED: XX

*INTERNAL FILE USE ONLY*

**PERSONAL DATA SHEET  
UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
DEL RIO DIVISION**

COUNTY: MAVERICK CASE# /JUDGE: DR-13-CR-217 AM

DATE: January 08, 2014 MAG. CT. #: DR13-1929M FBI#

AUSA: H. JAY HULINGS

DEFENDANT: Emilio Villalobos-Alcala, aka "La Tripa"

CITIZENSHIP: USC

INTERPRETER NEEDED: NO Language: \_\_\_\_\_

DEFENSE ATTORNEY: GREG TORRES

ADDRESS OF ATTORNEY:

DEFENDANT IS: DATE OF ARREST: N/A

BENCH WARRANT NEEDED: YES

PROBATION OFFICER: \_\_\_\_\_

NAME AND ADDRESS OF SURETY: \_\_\_\_\_

YOUTH CORRECTIONS ACT APPLICABLE: NO

PROSECUTION BY: THIRD SUPERSEDING INDICTMENT

OFFENSE: (Code & Description): COUNT ONE: 21 U.S.C. §§ 841 & 846, Conspiracy to Possess With Intent to Distribute Marijuana; COUNT TWO: 21 U.S.C. §§ 952(a), 960(a)(1) & (b)(4), 963, Conspiracy to Import Marijuana; COUNT THREE: 18 U.S.C. §§ 924(o), Conspiracy to Possess Firearms in Furtherance of a Drug Trafficking Crime; COUNTS FOUR-FIVE: 18 U.S.C. §§ 554(a) and 2, Smuggling Goods from the United States, Aiding and Abetting.

OFFENSE IS A: FELONY

MAXIMUM SENTENCE: COUNTS 1-2: 10 years to life imprisonment; a \$10,000,000 fine; 5 years to life of supervised release; and a \$100 special assessment; COUNT 3: 20 years imprisonment; a \$250,000 fine; 3 years of supervised release; and a \$100 special assessment; COUNTS FOUR-FIVE: 10 years imprisonment; a \$250,000 fine; 3 years of supervised release; and a \$100 special assessment.

PENALTY IS MANDATORY: No REMARKS: See above.

W/DT-CR-3



SEALED:  
UNSEALED: XX

**PERSONAL DATA SHEET  
UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
DEL RIO DIVISION**

COUNTY: ZAVALA USAO#: 2013R17856  
DATE: January 08, 2014 MAG. CT. #: DR13CR217  
AUSA: RALPH PARADISO  
DEFENDANT: JOSE ELUID LUGO-LOPEZ  
CITIZENSHIP: MEXICO  
INTERPRETER NEEDED: YES LANGUAGE: SPANISH  
DEFENSE ATTORNEY: CHRISTINA NORTON  
ADDRESS OF ATTORNEY: 2205 VETERANS BLVD., STE. A2, DEL RIO, TEXAS 78840  
DEFENDANT IS: DETAINED DATE OF ARREST: NOVEMBER 26, 2012  
BENCH WARRANT NEEDED: NO  
PROBATION OFFICER: N/A  
NAME AND ADDRESS OF SURETY: N/A  
YOUTH CORRECTIONS ACT APPLICABLE: NO  
PROSECUTION BY: SUPERSEDING INDICTMENT  
OFFENSE: (Code & Description): COUNT ONE: 21 U.S.C. §§ 841 & 846, Conspiracy to Possess With Intent to Distribute Marijuana; COUNT TWO: 21 U.S.C. §§ 952(a), 960(a)(1) & (b)(4), 963, Conspiracy to Import Marijuana; COUNT THREE: 18 U.S.C. §§ 924(o), Conspiracy to Possess Firearms in Furtherance of a Drug Trafficking Crime; COUNTS FOUR-FIVE: 18 U.S.C. §§ 554(a) and 2, Smuggling Goods from the United States, Aiding and Abetting.  
OFFENSE IS A: FELONY  
MAXIMUM SENTENCE: COUNTS 1-2: 10 years to life imprisonment; a \$10,000,000 fine; 5 years to life of supervised release; and a \$100 special assessment; COUNT 3: 20 years imprisonment; a \$250,000 fine; 3 years of supervised release; and a \$100 special assessment; COUNTS FOUR-FIVE: 10 years imprisonment; a \$250,000 fine; 3 years of supervised release; and a \$100 special assessment.

PENALTY IS MANDATORY: YES & NO

REMARKS: SEE ABOVE

W/DT-CR-3